



## **Town of Winter Park**

### **Federal Transit Administration (FTA) Title VI Program**

Submitted to:

Colorado Department of Transportation (CDOT)  
Division of Transit and Rail  
4201 East Arkansas Avenue  
Denver, CO 80222

November 30, 2015

### **SUBRECIPIENT INFORMATION**

**SUBRECIPIENT:** Town of Winter Park  
FTA Section 5311 Program  
Rural Transit Service

**SUBMITTAL DATE:** November 30, 2015

**EXPIRATION YEAR:** 2018

**CONTACT INFORMATION:** Drew Nelson  
Town Manager  
Town of Winter Park  
50 Vasquez Road  
Winter Park, CO 80482  
[dnelson@wpgov.com](mailto:dnelson@wpgov.com)  
Phone: 970-726-8081

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## **I. PROVISION OF TITLE VI ASSURANCES**

The Town of Winter Park hereby certifies that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a. Winter Park shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission to CDOT and the FTA.
- b. No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
- c. Winter Park will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.
- d. Town of Winter Park will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

## **II. TITLE VI COMPLIANCE HISTORY: COMPLAINTS, INVESTIGATIONS AND LAWSUITS**

- a. There are no outstanding investigations; lawsuits or complaints naming the Town of Winter Park that allege discrimination on the basis of race, color or national origin with respect to service or other transit benefits.
- b. There are no pending applications for Federal financial assistance, and there is no Federal financial assistance currently being provided to the Town of Winter Park other than that being supplied by the Federal Transit Administration (FTA). Currently the Town of Winter Park is applying for and receiving Section 5311 funding as a subrecipient through the Colorado Department of Transportation (CDOT), a recipient of FTA funds.
- c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to the Town of Winter Park and, to the best of our knowledge, there are not presently any ongoing civil rights compliance review activities being conducted with respect to the Town of Winter Park.
- d. There are currently no pending construction projects which would negatively impact minority communities being performed by the Town of Winter Park.

### III. INCORPORATION OF THE PROGRAM

Town of Winter Park (hereinafter referred to as “Winter Park” or “Recipient”) hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives. No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically, and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Transit Administration program:

- a. That the Recipient agrees that each “program” and each “facility”, as defined in subsections 21.23(e) and 21.23(b) of the Regulations will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated, in compliance with all requirements imposed by, or pursuant to, the Regulations.
- b. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Transit Administration programs and, in adapted form in all proposals or negotiated agreements:

***Winter Park, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders/proposers that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to the invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.***

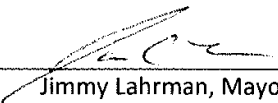
- c. That the Recipient shall insert the clauses contained herein as **APPENDIX A** in every contract subject to this Act and the Regulations.
- d. That the Recipient shall insert the clauses contained herein as **APPENDIX B**, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest herein.
- e. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
- f. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
- g. That the Recipient shall include the appropriate clauses contained herein as **APPENDIX C**, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Transit Administration programs; and (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under Federal Administration programs.
- h. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
- i. The Recipient shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
- j. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

- k. The Recipient assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

These assurances are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Department of Transportation under the Federal Transit Administration and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Transit Administration programs.

The person(s) whose signature appears below, are authorized to sign these assurances on behalf of the grant applicant or recipient.

Date: 11/17/2015   
Drew Nelson, Town Manager  
Town of Winter Park

Date: 11/17/2015   
Jimmy Lahrman, Mayor  
Winter Park Town Council



## IV. GENERAL GUIDELINES/REQUIREMENTS

### a. Annual Certification and Assurance

As stated in Section I, the Town of Winter Park shall submit annually, their Title VI assurance, as part of their annual Certification and Assurance submission to CDOT and the FTA.

### b. Complaint Procedures

In compliance with 49 CFR Section 21.9(b), the Town of Winter Park has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. The Town of Winter Park complaint procedures and complaint form are contained herein as **APPENDIX D**.

### c. Record Title VI Activities

In compliance with 49 CFR Section 21.9(b), the Town of Winter Park shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the Town of Winter Park that allege discrimination on the basis of race, color, or nation origin. Such list shall include and an example is shown in **APPENDIX D**:

- 1) Date the investigation, lawsuit, or complaint was filed;
- 2) Summary of the allegation(s);
- 3) The status of the investigation, lawsuit, or complaint; and
- 4) Actions taken by the Town of Winter Park in response to the investigation, lawsuit or complaint.

### d. Access for LEP Persons

The Town of Winter Park shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). The Town of Winter Park will assist persons with limited English proficiency to participate in the transportation planning process. The Town of Winter Park staff will make every effort to provide translators and document translation, where feasible, upon request. The Town of Winter Park's Limited English Proficiency (LEP) Plan is contained herein as **APPENDIX E**.

e. Public Notification

In compliance with 49 CFR Section 21.9(d), the Town of Winter Park shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by the Title VI. The Town of Winter Park complaint procedures and public notification information, as well as a list of locations where the notice is posted, are contained herein as **APPENDIX D**.

f. Additional Information

The Town of Winter Park acknowledges that, at the discretion of the FTA and CDOT, information other than that which is required by FTA C 4702.1B, may be requested in writing of the Town of Winter Park to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

g. Timely Submission

The Town of Winter Park acknowledges that their Title VI Program submissions and/or updates thereto, shall be supplied to CDOT once every three (3) years. The submission shall include, but is not limited to:

- 1) A public participation plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission;
- 2) Town of Winter Park's process for persons with limited English proficiency (LEP);
- 3) Title VI Complaint and Tracking procedures;
- 4) A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
- 5) A copy of Town of Winter Park's public notice regarding Title VI compliance and public access and instructions to Town of Winter Park Title VI complaint procedures.

Portions of the Plan which have not changed since the last submission will not be resubmitted, however, the Town of Winter Park shall include a statement to this effect in lieu of copies of the original documents in order to eliminate redundancy in resubmissions.

h. Transit Related Council/Board Membership

The Town of Winter Park Town Council manages the Winter Park transit service.

The Town of Winter Park is a home rule municipality and is governed by a Town Council comprised of the Mayor and six council members, all of whom are nominated and elected at large from within the town. The Town Council is the governing and legislative body for the Town and is responsible for adopting laws, ordinances, and resolutions as deemed necessary.

The Town Council members serve a staggered two or four-year term. In order to encourage the participation of minorities to serve, a public notice is published in the Sky Hi Daily News prior to the expiration of the term advertising the open position to any Town resident and stating that the Town of Winter Park does not discriminate on the basis of race, color or national origin.

The racial breakdown of the current council is six Caucasian males and one Caucasian female.

<b>Town Council Member</b>	<b>Racial Breakdown</b>
Jimmy Lahrman, Mayor	100% Caucasian
Barbara Atwater, Mayor Pro Tem	100% Caucasian
Chris Seemann	100% Caucasian
Nick Kutrumbos	100% Caucasian
Mike Periolat	100% Caucasian
Chuck Banks	100% Caucasian
Jim Myers	100% Caucasian

i. Public Participation

The Town of Winter Park shall seek out and consider viewpoints of minority and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. The Town of Winter Park shall make every effort to include the following practices:

- 1) Coordination with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or LEP communities;

- 2) Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;
- 3) Utilization of locations, facilities and meeting times that are convenient and accessible to LEP and minority communities;
- 4) Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
- 5) Implementation of DOT's policy guidance regarding the Town of Winter Park's responsibilities to LEP persons.

Town Council meetings are held on the first and third Tuesday of each month. The first meeting of the month is at 5:30 pm and the second meeting of the month is at 8:00 am. A work session is held on the first Tuesday of the month prior to the Council meeting. All meetings are held in the Council Chambers at Winter Park Town Hall, 50 Vasquez Road, unless otherwise posted. The public is welcome to attend meetings and address the Mayor and Town Council.

Meeting agendas are listed on the Town of Winter Park website and posted at the Winter Park town office the Friday before each meeting.

A public hearing is held during each meeting when the following subjects are being discussed in regards to transit:

- Annual budget adoption;
- Capital improvement plan adoption;
- Establishment of service plan;
- Establishment of fees and fares, if any
- Hearings required by State and Federal law or regulation in the pursuit of grants; and
- Any other matter which the Council desires to be discussed at a public meeting.

j. System-Wide Service Standards and Policies


The Town of Winter Park shall define system-wide service standards and system-wide service policies, per the requirements of Title 49 CFR Sections a) 21.5 which states the general prohibition of discrimination on the grounds of race, color, or national origin; b) 21.5(b)(2) which specifies that a recipient shall not "utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of

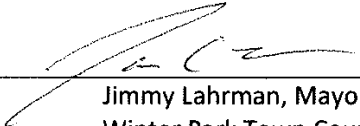
their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.”; and c) 21.5(b)(7) which requires recipients to “take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.” Also, Appendix C to 49 CFR part 21 provides in Section (3)(iii) that “[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.

System-wide service standards and policies will address how service is distributed across the transit system, and show how the system ensures that the manner of the distribution affords users access to these assets. Service policies will also be designed to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin. Service policies differ from service standards in that they are not necessarily based on a quantitative threshold.

Service standards will document the vehicle load for each mode, the vehicle headway for each mode, the on time performance for each mode, and the service availability for each mode. Service policies will document the transit amenities for each mode and the vehicle assignment for each mode. Standards and Policies documenting these federal requirements are contained herein as **APPENDIX F**.

The person(s) whose signature appears below, are authorized to sign on behalf of the grant applicant or recipient.

Date: 11/17/2015   
Drew Nelson, Town Manager  
Town of Winter Park

Date: 11/19/15   
Jimmy Lahrman, Mayor  
Winter Park Town Council

**APPENDIX A - Title VI Clause Regarding All Contracts Subject to Title VI**  
(to be inserted into every contract subject to Title VI)

*The Town of Winter Park is herein referred to as "Winter Park"*

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- 1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- 2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- 4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the **WINTER PARK** or the **FEDERAL TRANSIT ADMINISTRATION** to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to **WINTER PARK**, or the **FEDERAL TRANSIT ADMINISTRATION** as appropriate, and shall set forth what efforts it has made to obtain the information.

- 5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provision of this contract, WINTER PARK shall impose contract sanctions as it or the FEDERAL TRANSIT ADMINISTRATION may determine to be appropriate, including but not limited to:
- a) Withholding of payments to the contractor under the contract until the contractor complies; and/or
  - b) Cancellation, termination, or suspension of the contract, in whole or in part.
- 6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as WINTER PARK or the FEDERAL TRANSIT ADMINISTRATION may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request WINTER PARK to enter into such litigation to protect the interests of WINTER PARK, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**APPENDIX B - Title VI Clause Regarding Real Property Transactions**  
(to be inserted into real property transactions)

*The Town of Winter Park is herein referred to as "Winter Park"*

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

**(GRANTING CLAUSE)**

NOW, THEREFORE, the Department of Transportation, as authorized by Law, and upon the condition that **WINTER PARK** will accept title to the Lands and maintain the project constructed thereon, in accordance with **THE STATE OF COLORADO**, and the policies and procedures prescribed by **FEDERAL TRANSIT ADMINISTRATION** of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quit claim and convey unto **WINTER PARK** all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

**(HABENOM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto **WINTER PARK** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on **WINTER PARK**, its successors and assigns.

**WINTER PARK**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby [,] [and]\* (2) that **WINTER PARK** shall use the lands and interest in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations,



Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction. \*

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

**APPENDIX C - Title VI Clause Regarding Federally Funded Real Property Transactions/Improvements**  
**(to be inserted into Federally funded real property transactions or improvements)**

*The Town of Winter Park is herein referred to as "Winter Park"*

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by **WINTER PARK** pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee Lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breach of any of the above nondiscrimination covenants, **WINTER PARK** shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said (licenses, lease, permit, etc.) to re-enter and repossess said land and facilities thereon, and hold the same as if said (license, lease, permit, etc) had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants **WINTER PARK** shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of **WINTER PARK** and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by **WINTER PARK** pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the

consideration hereof, does hereby covenant and agree (in case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the ground of race, color,

or national origin shall be excluded form participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied. the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)\*

That in the event of breech of any of the above nondiscrimination covenants, **WINTER PARK** shall have the right to terminate the (license, lease, permit, etc. ) and to re-enter and repossess said land and the facilities as thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, **WINTER PARK** shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of **WINTER PARK** and its assigns.

\* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## APPENDIX D

### TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS / COMPLAINT LOG

#### TOWN OF WINTER PARK

##### **Public Notice of Rights**

The following statement is posted in conspicuous and accessible locations at the Town of Winter Park town offices; on the Town of Winter Park website (<http://www.colorado.gov/cs/Satellite/TownofWinterPark/CBON/1249681774149>); and permanently displayed on public transit vehicles.

##### **English:**

#### Notifying the Public of Rights Under Title VI **Town of Winter Park**

The Town of Winter Park operates its programs and services without regard to race, color, national origin or disability in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Town of Winter Park.

For more information on the Town of Winter Park's civil rights program, and the procedures to file a complaint, contact Drew Nelson, Town Manager; Phone: 970-726-8081; email: [dnelson@wpgov.com](mailto:dnelson@wpgov.com); or visit our administrative office at 50 Vasquez Road, Winter Park, CO 80482. For more information, visit <http://www.colorado.gov/cs/Satellite/TownofWinterPark/CBON/1249681774149>.

A complainant may file a complaint directly with the Colorado Department of Transportation (CDOT) or the Federal Transit Administration (FTA) by filing a complaint directly with the corresponding offices of Civil Rights: **CDOT**: ATTN: Title VI Program Manager 4201 East Arkansas Avenue, RM: 150 Denver CO, 80222 **FTA**: ATTN: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590

If information is needed in another language, contact 970-726-8081. Para información en Español llame: Drew Nelson, Town Manager.

##### **Spanish:**

## **Aviso al Público Sobre los Derechos Bajo el Título VI Town of Winter Park**

The Town of Winter Park (*y sus subcontratistas, si cualquiera*) asegura cumplir con el Título VI de la Ley de los Derechos Civiles de 1964, Sección 504 de la Ley de Rehabilitación de 1973 y La Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA). El nivel y la calidad de servicios de transporte serán provehidos sin consideración a su raza, color, o país de origen.

Para obtener más información sobre la Town of Winter Park's programa de derechos civiles, y los procedimientos para presentar una queja, Drew Nelson, Town Manager; Phone: 970-726-8081; email: [dnelson@wpgov.com](mailto:dnelson@wpgov.com); o visite nuestra oficina administrativa en 50 Vasquez Road, Winter Park, CO 80482. Para obtener más información, visite <http://www.colorado.gov/cs/Satellite/TownofWinterPark/CBON/1249681774149>.

El puede presentar una queja directamente con Colorado Department of Transportation (CDOT) o Federal Transit Administration (FTA) mediante la presentación de una queja directamente con las oficinas correspondientes de Civil Rights: CDOT: ATTN: Title VI Program Manager 4201 East Arkansas Avenue, RM: 150 Denver CO, 80222 FTA: ATTN Title VI Program Coordinator, East Building, 5th Floor –TCR 1200 New Jersey Ave., SE Washington DC 20590

### **Title VI Information, Limited English Proficient (LEP) information and Complaint Process** ***(for printed materials, website, and other mediums upon request)***

The Town of Winter Park grants all persons equal access to all its public transportation services. It is further the intent of the Town of Winter Park that all persons are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of the Town of Winter Park programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964.

#### What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 requiring that “No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” Note that Title VI does not address gender discrimination. It only covers race, color, and national origin. Other Civil Rights laws prohibit gender discrimination.

#### What is LEP?

As part of Title VI requirements, the Town of Winter Park has developed a Limited English Proficiency (LEP) Plan to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to the Town of Winter Park services as required by Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000). A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

#### The Town of Winter Park's Complaint and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the Town of Winter Park.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Town of Winter Park may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The following measures will be taken to resolve Title VI complaints:

- 1) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, or national origin) and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

The Town of Winter Park strongly encourages the use of the attached **TOWN OF WINTER PARK Title VI Complaint Form** when filing official complaints.

The preferred method is to file your complaint in writing using the **TOWN OF WINTER PARK Title VI Complaint Form**, and sending it to:

Town Manager  
Town of Winter Park  
50 Vasquez Road  
Winter Park, CO 80482  
**Phone:** 970-726-8081

- 2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Town of Winter Park Town Manager by calling the phone number listed above. Under these circumstances, the complainant will be interviewed, and the Town of Winter Park Town Manager will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Town Manager will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 calendar days from receipt of a complete complaint, the Town of Winter Park will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the Town of Winter Park Town Manager or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
  - b. If the complaint is to be investigated, the notification shall state the grounds of the Town of Winter Park's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When the Town of Winter Park does not have sufficient jurisdiction, the Town of Winter Park Town Manager or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 7) If the complaint has investigative merit, the Town of Winter Park Town Council will instruct the Town Manager to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Town Council within 60 calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Town Manager will notify the appropriate authorities, and an extension will be requested.

- 8) The Town of Winter Park Town Manager or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.
- 9) If the Complainant is dissatisfied with the Town of Winter Park's resolution of the complaint, he/she has the right to file a complaint with the:

Federal Transit Administration  
Region 8  
Attn: Civil Rights Officer  
12300 West Dakota Avenue  
Suite 310  
Lakewood, CO 80228  
720-963-3300  
Fax 720-963-3333

FTA Complaint procedures can also be found on the FTA web site at: [www.fta.dot.gov](http://www.fta.dot.gov). These procedures are also outlined in FTA Circular 4702.1B, Chapter IX.



## APPENDIX D (Continued)

### TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS

#### TOWN OF WINTER PARK

#### Title VI Complaint Form

**Instructions:** If you would like to submit a Title VI complaint to the Town of Winter Park, please fill out the form below and send it to: Town of Winter Park, Attn: Town Manager, 50 Vasquez Road Winter Park, CO 80482.

For questions or a full copy of the Town of Winter Park's Title VI policy and complaint procedures email: [dnelson@wpgov.com](mailto:dnelson@wpgov.com) or call: 970-726-8081.

1. Name (Complainant):	
2. Phone:	3. Home address (street no., city, state, zip):
4. If applicable, name of person(s) who allegedly discriminated against you:	
5. Location and position of person(s) if known:	6. Date of incident:
7. Discrimination because of: <input type="checkbox"/> Race <input type="checkbox"/> National origin <input type="checkbox"/> Color	

8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):

Name:

Address:

Phone number:

13. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

☐ Yes

☐ No

If yes, check all that apply:

☐ Federal agency

☐ Federal court

☐ State court

☐ Local agency

☐ State agency

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.

Agency/Court:

Contact's Name:

Address:

Phone number:

Signature (Complainant):

Date of filing:

APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS

TOWN OF WINTER PARK

**Title VI Complaint Log Example**

**Title VI Investigations, Complaints, and Lawsuits**

Description/Name	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin or disability)	Status	Action(s) Taken (Final findings?)
<b>Investigations</b>				
1)				
2)				
<b>Lawsuits</b>				
1)				
2)				
<b>Complaints</b>				
1)				
2)				

This form will be submitted annually. If no investigations, lawsuits, or complaints were filed, a blank form will be submitted.

## APPENDIX E

### LIMITED ENGLISH PROFICIENCY PLAN

#### **Town of Winter Park**

**June 2015**

#### **I. INTRODUCTION**

This Limited English Proficiency (LEP) Plan, for the Town of Winter Park has been developed in response to federal requirements included under Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person shall “on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Federal Executive Order No. 13166, issued in August 2000 by President Clinton, "Improving Access to Services for Persons with Limited English Proficiency," was created to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. and Acting Assistant Attorney General, Loretta King directed a strengthening of enforcement of Title VI in a memorandum dated July 10, 2009.

As a subrecipient of funds from the Federal Transit Administration (FTA), through the Colorado Department of Transportation (CDOT), this Limited English Proficiency (LEP) Plan for the Town of Winter Park has been developed to ensure compliance with Federal LEP regulations. It includes an assessment of the limited English proficiency needs of our area, an explanation of the steps we are currently taking to address these needs, and the steps we plan to take in the future to ensure meaningful access to our transit programs by persons with limited English proficiency.

#### **II. POLICY**

It is the policy of the Town of Winter Park to ensure that our programs and activities, normally provided in English, are accessible to Limited English Proficiency (LEP) persons and thus do not discriminate on the basis of national origin in violation of the Title VI prohibition against national origin discrimination. The Town of Winter Park will, to the maximum extent feasible in its official deliberations and communications, community outreach and related notifications, provide appropriate alternative non-English formats for persons with LEP to access information and services provided.

### III. LIMITED ENGLISH PROFICIENCY NEEDS OF AREA

The *Four-Factor Analysis* developed by the FTA requires that information be included in LEP Plans regarding the number and percentage of LEP persons in our area, and the nature, frequency and importance of the contact we have with LEP persons in providing transit services. Each of these elements is addressed below.

#### **Number and Percentage of LEP Persons in Our Area**

##### **Permanent Population**

The U.S. Census provides information to assist in estimating the number of limited English speakers in the permanent population. For small urban areas and rural counties, the best data available is from the U.S. Census American Community Survey 2009-2013. Table 1 presents information for Grand County on *Language Spoken at Home by Ability to Speak English*, based on that Survey. The information on Grand County is presented as transit service is to be provided for multiple communities in the County, not just the Town of Winter Park.

**TABLE 1: 2013 LANGUAGE SPOKEN AT HOME: GRAND COUNTY, COLORADO**

Subject	Grand County, Colorado					
	Total		Percent of specified language speakers			
			Speak English "very well"		Speak English less than "very well"	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	13,801	+/-73	97.6%	+/-1.4	2.4%	+/-1.4
Speak only English	90.4%	+/-3.1	(X)	(X)	(X)	(X)
Speak a language other than English	9.6%	+/-3.1	74.6%	+/-14.4	25.4%	+/-14.4
Spanish or Spanish Creole	6.1%	+/-2.3	65.9%	+/-19.5	34.1%	+/-19.5
Other Indo-European languages	2.6%	+/-2.2	91.8%	+/-11.7	8.2%	+/-11.7
Asian and Pacific Island languages	0.8%	+/-0.7	81.7%	+/-34.4	18.3%	+/-34.4
Other languages	0.1%	+/-0.2	100.0%	+/-76.6	0.0%	+/-76.6

Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

As the table shows, there were only a few persons in the permanent population of Grand County, in the year 2013 who had difficulty speaking English, less than 2.5% overall of persons

age 5 and over. In Grand County, most of those were either Spanish speakers or speakers of Indo-European languages.

The U.S. Census data indicates a very low need to respond to individuals in our service area who have difficulty with English. Those who do have difficulty are primarily Spanish or Asian and Pacific Islander language speakers but there are also a small percentage of individuals speaking other Indo-European languages.

### **Visitors**

The largest potential need for special service for LEP is for our visitor population. As a year round resort community, the Winter Park area attracts individuals from all over the world. We are sensitive to LEP needs among visitors to our area.

### **Summary**

Given the resort nature of the Winter Park and Fraser Valley area, and the large number of visitors, including those who potentially have Limited English Proficiency needs, we are committed to addressing those needs.

### **Nature, Frequency and Importance of LEP Contact**

The nature and importance of LEP contact is high for public transit services. Therefore, given the nature of our area, strategies to address this need have been developed and will continually be reviewed, and improved where needed.

## **IV. CURRENT LEP EFFORTS**

Due to the resort nature of our service area, the potential numbers and percentages of LEP persons are significant. As a public transit provider we are committed to addressing the on-going need to service LEP individuals. Therefore, in recent years we have undertaken the following efforts. We have a Title VI notice on our brochures and on our website. We have our printed schedule in Spanish when requested to do so. We offer booklets and videos of common Spanish phrases to our drivers.

## **V. PLANS FOR THE FUTURE LEP EFFORTS**

Given the current and potential future need to respond to individuals with Limited English proficiency our LEP Plan includes the elements identified below.

### **Identifying LEP Persons Who Need Language Assistance**

In order to identify potential future LEP needs with respect to our transit service we will undertake the following:

- Review Census updates as they become available;
- Periodically review perceived LEP needs with drivers and other first-line staff; and
- Make periodic contacts with school districts and other community agencies that may know of LEP persons or groups.

### **Language Assistance Measures**

As the need arises, we will consider the following to respond to LEP needs:

- Obtain copies of Census Bureau's "I Speak Cards" to have on hand if needed;
- Develop Spanish versions of marketing materials, customer complaint forms, public notices, and related information, as appropriate;
- Hire Spanish-speaking customer service staff and/or drivers;
- Become familiar with web-based **Babel Fish** for phrase translation into or from multiple languages; and
- Identify other community resources such as agencies serving LEP persons that may have resources to share.

### **Staff Training**

Similarly, as the need arises, we will consider the following staff training topics:

- Federal LEP requirements, LEP Plan and Title VI;
- Staff and driver awareness training;
- Documenting language assistance requests; and
- Use of any of the language assistance measures as described above.

### **Outreach Efforts**

Similarly, as the need arises, we will consider the following outreach topics:

- Identify agencies in our area that may serve LEP populations;
- Provide information on our services to them, as appropriate; and



- Provide opportunities for LEP participation at public meetings, through advertising and conduct of meetings, as appropriate.

### **Monitoring and Updating Plan**

We will monitor and update this plan every 2-3 years, as needed. This will include:

- Reviewing our LEP Plan with staff and make adjustments, as needed; and
- Pay particular attention to demographic changes in our area and to any LEP-related complaints we receive.

### **Disseminating Our LEP Plan**

- Have copies of our plan available to give to agencies serving LEP populations in our area and for individual requests;
- Post our plan on our website; and
- Adopted by the Town of Winter Park Town Council.

## APPENDIX F

### Policies and Procedures for the Use of Town of Winter Park Public Transportation

The following document is on public display, both in English and in Spanish translation, at the Town of Winter Park town offices and on the official Town of Winter Park website.

#### General Use Policies

General Policy. Public transportation vehicles and facilities are provided by the Town of Winter Park for the benefit of the Winter Park community, visitors, and the general public. All permissible use of public transportation vehicles and facilities shall be strictly limited to conduct consistency with the reasonable use and enjoyment of such services and for their safe and reliable operation.

#### Use of Town of Winter Park Transit Services.

- There are no fares for the use of the Town of Winter Park transit services.
- Use of the Town of Winter Park transit services is available on a first-come, first-served basis until capacity is reached. The buses cannot wait for incomplete boarding parties.
- Use of the Town of Winter Park Transit System constitutes an acceptance of the terms of use.
- All users must wear shirts and shoes and display proper hygiene as to not be overtly offensive to other passengers.

Standing Passengers. All standing passengers (whether adults or children) must use the handrails or other stabilization devices provided on the vehicles in order to stabilize themselves while the vehicle is in operation. Passengers are not permitted to stand forward of the Standee Line per federal regulations. Passengers stand at their own risk.

#### Children.

- Riders age eight (8) and younger must be under the supervision of a responsible adult at all times when using the Town of Winter Park transit services.
- Children must be removed from strollers while on the Town of Winter Park transit service.
- All children under the age of six (6) must be seated.
- Diapers may not be changed aboard a Town of Winter Park Transit vehicle.

#### Strollers; Wagons.

- Only collapsible strollers, wagons and similar child transport devices are permitted on the Town of Winter Park transit service. Non-collapsible strollers, wagons, and similar child transport devices are not permitted on the Town of Winter Park transit service.
- All strollers, wagons, and similar child transport devices shall be carried on the Town of Winter Park transit vehicle in their collapsed condition.

#### Bicycles, Skis, and Snowboards.

- On a seasonal basis, Town of Winter Park vehicles are equipped to carry bicycles, skis, and snowboards on a first-come, first-served basis until capacity is reached.
- Any rider traveling with a bicycle, skis, or snowboard must be able to load without assistance.
- Bicycles may not be brought on-board transit vehicles. If space is available, skis and snowboards may be brought on-board. Use of the provided bicycle rack is at the user's own risk.

#### Carry-On Items.

- The Town of Winter Park does not have space specifically designed for storage.
- Riders may bring packages and groceries on-board vehicles if space is available and if they maintain control of these items within their immediate seating area.
- Any rider traveling with carry-on items must be able to board without assistance.
- Carry-on items must not interfere with passenger safety or obstruct the aisles.
- Portable music devices such as radios, iPods, etc. must not be played at a volume that would disrupt the safe operation of the transit vehicle or annoy other passengers. Transit riders are required to use headphones for their radios or iPods while on board a transit vehicle as a courtesy to your fellow passengers.
- No food or beverages may be consumed aboard a Town of Winter Park transit vehicle. Beverages should be transported in a spill proof container.

Hazardous Materials. Hazardous materials such as explosives, flammable liquids, firearms, or weapons (except as authorized by law) are prohibited on Town of Winter Park transit vehicles. Mention of any such materials is considered to be threatening behavior and will

not be tolerated. Any violation of this prohibition will result in immediate notification of the appropriate law enforcement officials.

Animals. All animals are prohibited from the Town of Winter Park transit service, subject to the following limited exceptions:

- Legitimate service animals under the control of a guest with a disability as permitted by the ADA.
- Animals stored in an approved carrier under the control of a responsible guest.
- Any rider traveling with an animal may be expelled if the animal's behavior compromises the safe operation of the Town of Winter Park transit service or otherwise poses a threat to the health, safety, and welfare of the public

Smoking. Smoking is strictly prohibited while using a Town of Winter Park transit vehicle.

Loitering. Remaining on board a Town of Winter Park transit vehicle without a destination, sleeping on-board a Town of Winter Park transit vehicle, or loitering at a Public Transit Station or designated Bus Stop is not permitted.

Disruptive Behavior. Loud, obnoxious behavior or the use of foul language is not permitted aboard a Town of Winter Park transit vehicle, at a designated public bus stop, or at a public transit station. Disruptive passengers may be denied Town of Winter Park transit service at the discretion of the Transit Operator.

Flash Photography, Laser Pointers. Taking flash photographs or the use of a laser pointer while on board a transit vehicle can be dangerous and is not permitted.

Alcohol; Illegal Drugs.

- The consumption of alcohol is prohibited while using Town of Winter Park transit services.
- The possession of an open alcoholic beverage container is prohibited while using the TOWN OF WINTER PARK services.
- No person may ride the Town of Winter Park transit service while he or she is visibly intoxicated and not in control of their own person.
- The possession, sale, or use of any illegal drug is prohibited while using the Town of Winter Park transit service.

Fixed Route System. The Town of Winter Park Transit System is a fixed route public transportation system. We do not make undesignated stops in which to board or disembark passengers because they can create hazardous conditions for other vehicles or pedestrians. The Town of Winter Park Transit System complies with all state and federal regulations for public transportation and is under the jurisdiction of the Federal Transit Administration and Federal Motor Carrier Safety Regulations.

Emergencies. In the event of an unforeseen emergency, the Transit Operator shall provide passengers with specific directions for evacuation and/or other necessary actions. For your safety and that of our other passengers, you must comply with the directions provided. Transit Operators are licensed Commercial Drivers and are provided extensive training to meet federal regulations for safety.

Compliance with Use Policies. The Town of Winter Park reserves the right to deny boarding of Town of Winter Park transit services to any person not complying with the Use Policy and Procedures for the transit system. Refusal to comply with the directions of a Transit Operator or Transit Supervisor and/or the hindering of the movement of public transportation is punishable by Federal Law with up to 16 years in prison and up to \$750,000 in fines. Other state and local laws may also apply. Persons not following the basic requirements for Use of the Town of Winter Park transit services will not be allowed to board or will be told they must disembark. The Town of Winter Park will notify law enforcement officials of any misconduct involving the Town of Winter Park transit services at its discretion.

Non-Discrimination. The Town of Winter Park complies with Title VI of the Civil Rights Act of 1964. The level and quality of transportation service will be provided without regard to race, color, or national origin in accordance with Title VI. All Town of Winter Park transit services are provided with equal access to all.

Accessibility. All Town of Winter Park transit vehicles shall meet the standards of accessibility for persons with disabilities established by the Federal Transit Administration pursuant to the Americans with Disabilities Act, 42 U.S.C. §12101, et seq. (Public Law 101-336). Accessibility is provided along our fixed route system at designated bus stops only.

#### Notice

Any person who believes he/she or any specific class of persons is subjected to discrimination prohibited by Title VI Civil Rights Act or the provisions of the Americans with Disabilities Act may by him/herself or by a representative file a written complaint the Town of Winter Park and/or the Federal Transit Administration. All complaints will be promptly investigated.

To request additional information on the Town of Winter Park nondiscrimination obligations or the Americans with Disabilities Act, contact:

Town Manager  
Town of Winter Park  
50 Vasquez Road  
Winter Park, CO 80482  
[dnelson@wpgov.com](mailto:dnelson@wpgov.com)  
Phone: 970-726-8081

Information in languages other than English will be provided as needed and will be consistent with DOT LEP Guidance. Additionally, alternative formats, i.e. large print, Braille, audio or videotapes of the use policies and procedures are available upon request.

## **System-Wide Service Standards and Policies**

### **Service Standards: Bus Only**

#### ***Vehicle load for each mode.***

<b><u>Vehicle Type</u></b>	<b><u>Average Passenger Capacities</u></b>			<b><u>Maximum</u></b>
	<b><u>Seated</u></b>	<b><u>Standing</u></b>	<b><u>Total</u></b>	<b><u>Load</u></b>
				<b><u>Factor</u></b>
Cutaway/minibus	12	8	20	1.66
37' bus	43	4	47	1.09
39' bus	47	4	51	1.08
40' bus	39	5	44	1.12

#### ***Vehicle headways for each mode.***

The Town of Winter Park provides bus service in Winter Park and Fraser Colorado. There are seasonal fluctuations with winter (November-April) being the busiest time and spring (April-May) and fall (September-November) the slowest time. Summer service (June-September) will have moderate service levels.

Winter service. FTA Section 5311 funded service in the winter (mid November to mid April) is fixed route transportation that connects Winter Park to Fraser via US 40 (called Fraser Express-Black Line during the day and Night Lift in the evening) provided from 6:00 am to 11:30 pm, seven days a week, fare free. Service includes a loop in Fraser connecting to the Amtrak station and a loop through Old Town Winter Park. Other winter service provided by the Town of Winter Park includes fixed routes serving the neighborhoods of Winter Park and Fraser (Blue, Yellow, Orange, Brown, and Purple routes), the Green route serving Old Town, the Mary Jane route, and commuter services between Granby and Winter Park. The day schedule generally operates with buses that continue directly to Winter Park Resort. Night service has a somewhat different structure, with routes connecting to the Black Line (Night Lift). The neighborhoods of Winter Park are served with demand response service at night.

Spring/Summer/Fall service. Section 5311 funded summer (June through September); spring (April-May) and fall (September to mid November) service is planned as a flex route connecting Fraser to Winter Park with call-and-ride service on either end of the route. April of 2016 will be the initial operation of this service. The fixed stops in the Town of Winter Park will be served with 60-minute headways. Service to the Meadow Ridge Resort and residential area outside of Fraser and the neighborhoods of Winter Park that are served by the Night Lift will be provided on a demand response basis. Call-and-ride service serves only established bus stops, except for individuals with disabilities. Service is provided from 6:00 am to 2:00 am, seven days a week, fare free. To request call-and-ride service, riders can call dispatch and ask for the next bus to be

diverted. Rides can be requested in advance, but all that is required is one-hour notice. Riders on board can also request deviations for their destination.

## **POLICY HEADWAYS AND PERIOD OF OPERATION**

<b>Winter</b>	Base – mid season (minutes)	Night (minutes)
Black Line / Night Lift	30	30
Green Line / Village Night	20	30
Yellow Line	30	N/A
Brown Line	30	N/A
Blue Line	30	N/A
Orange Line	30	N/A
Meadow Ridge Day Express / Night Loop	30	30
Granby Fraser Commute	2 trips AM; 1 mid-day; 2 trips PM	N/A
Mary Jane Shuttle	30	N/A
Link Call n Ride Night Demand Response Service	N/A	30 minute checkpoint

Base Hours of Operation: 7:30 am-5:45 pm

Night Hours of Operation: 5:30 pm-11:45 pm

<b>Spring/Summer/Fall</b>	Base (minutes)	Night (minutes)
Winter Park/Fraser Flex	60	60
Base: 6:00 am to 11:00 pm		

### ***On-time performance for each mode.***

Winter service.

The Town of Winter Park provides service in an area of Colorado that receives an average of 330" of snow annually and many times road and weather conditions prevent us from completing scheduled runs on time. Multiple buses may be put on a route to meet rider needs and to maintain on-time performance. The goal is 90% on-time performance.

Summer/Spring/Fall service.

The Town of Winter Park aims to complete 95% of its scheduled runs on time. Bus malfunctions and unscheduled deviations may prevent a 100% on time performance.

### ***Service availability for each mode.***

Winter Park's goal is to have service within a ½ mile of 80% of the population in Winter Park.



## **Service Policies: Bus Only**

### ***Transit amenities for each mode.***

The Town Winter Park and the Town of Fraser are responsible for providing amenities to the general public. Amenities have been provided along US 40 in conjunction with CDOT and Town roadway improvements. Current amenities along US 40 include an ADA accessible covered bus shelter with bench seating and trashcans. As the service continues to develop, policies will be defined.

### ***Vehicle assignment for each mode.***

The Town of Winter Park transit service fleet consists primarily of school bus type buses with a limited number of body on chassis cutaway style buses. The Town of Winter Park is taking over a private operation; therefore currently not all vehicles are ADA accessible or compliant. The Town is in the process of acquiring accessible vehicles for the Winter Park-Fraser Black Line funded under the 5311 program. The current public transit fleet consists of 14 full time and 4 spare vehicles. 16 buses are 40 feet long and 2 buses are 26 feet long.

### **Winter Service.**

The Winter Park-Fraser Black Line route carries 24% of the total ridership. 40-foot school buses are used on this route to accommodate the number of passengers. Both 40-foot buses are similar in design and amenities.

The other winter routes make up the other 76% of the ridership. 40 foot and 26 foot buses are used for this service. All buses are similar in design and amenities. The 26 foot buses are used for night call-and-ride service.

### **Spring/Summer/Fall service.**

Primarily 26 foot body on chassis buses are utilized in the spring, summer, and fall service. However in periods of higher ridership, 40 foot vehicles will be utilized.

## **Appendix G**

### **Title VI Equity Analysis**

A FTA subrecipient planning to acquire land to construct certain types of facilities must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. “Facilities” in this context does not include transit stations or bus shelters, but instead refers to storage facilities, maintenance facilities, and operation centers.

There are many steps involved in the planning process prior to the actual construction of a facility. It is during these planning phases that attention needs to be paid to equity and non-discrimination through equity analysis. The Title VI Equity Analysis must be done before the selection of the preferred site.

***Note: Even if facility construction is financed with non-FTA funds, if the subrecipient organization receives any FTA dollars, it must comply with this requirement.***

The Town of Winter Park has no current or anticipated plans to develop new transit facilities covered by these requirements. When a new transit facility is planned, the Town will complete and document a Title VI Equity Analysis and include that information in this Appendix.

## **Appendix H**

### **Public Participation Plan**

Winter Park is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys. As an agency receiving federal financial assistance, Winter Park has the following community outreach efforts:

*The Winter Park Town Council meets on the first and third Tuesday of every month, for a total of twenty four (24) meetings annually. In addition, the Town has created a Transit Advisory Committee (TAC) that meets as needed to identify changes necessary for the public transit system.*

In the upcoming year Winter Park will make the following community outreach efforts:

*The Winter Park Town Council meets on the first and third Tuesday of every month, for a total of twenty four (24) meetings annually. In addition, the Town has created a Transit Advisory Committee (TAC) that will meet as needed over the next year to identify changes necessary for the public transit system.*

#### **Public Meetings:**

- (1) Public meetings are scheduled to increase the opportunity for attendance by stakeholders and the general public. This may require scheduling meetings during non-traditional business hours, holding more than one meeting at different times of the day or on different days, and checking other community activities to avoid conflicts.
- (2) When a public meeting or public hearing is focused on a planning study or program related to a specific geographic area or jurisdiction within the region, the meeting or hearing is held within that geographic area or jurisdiction.
- (3) Public meetings are held in locations accessible to people with disabilities and are located near a transit route when possible.

**Appendix I**  
**Town Council Minutes and Resolution Approving Title VI Program**

TOWN OF WINTER PARK

RESOLUTION NO. 1500  
SERIES OF 2015

A RESOLUTION ADOPTING THE TITLE VI PROGRAM FOR COMPLIANCE  
WITH THE CIVIL RIGHTS ACT OF 1964 FOR TRANSIT SERVICES

WHEREAS, the Town Council of the Town of Winter Park has reviewed and considered the Title VI Program; and

WHEREAS, the Town Council considered this matter as part of a public hearing on November 17, 2015 and took testimony regarding the Title VI Program; and

WHEREAS, the Town Council believes the Title VI Program is in the best interest of the health, safety and welfare of the citizens and guests of the Town of Winter Park

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WINTER PARK, COLORADO, AS FOLLOWS:

The Town Council of the Town of Winter Park hereby approves the Title VI Program for compliance with the Civil Rights Act of 1964 attached hereto as Exhibit A.

APPROVED AND PASSED this 17<sup>th</sup> day of November, 2015, by a vote of 6 to 0.

TOWN OF WINTER PARK

  
\_\_\_\_\_  
Jimmy Lahrman, Mayor

ATTEST:

  
\_\_\_\_\_  
Taryn Martin, Town Clerk